

**Football Association Independent Regulatory Commission**

**(the 'Commission')**

**in the matter of an FA Rule E3 charge for misconduct brought by  
The FA against Souleymane Doukara of Leeds United FC (the  
'Player').**

**Regulatory Commission Decision**

1. These are the written reasons for a decision made by an Independent Regulatory Commission that was convened on 31<sup>st</sup> March 2016 at Wembley Stadium (the 'Hearing').
2. The Commission members were Mr. S. Ripley (Chairman), Mr. G. Farrelly and Mr. S. Turner
3. Mr. P. McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. The Player was charged by The FA with misconduct for breaching FA Rule E3 as it was alleged that his behaviour, in or around the 54<sup>th</sup> minute during the Leeds United FC v Fulham FC, Football League Championship fixture that took place on 23<sup>rd</sup> February 2016, amounted to violent conduct.

5. The FA designated the case as Non-Standard due to i) the violent nature of the alleged incident, ii) the seriousness of the alleged incident and iii) the unusual nature of the alleged incident.
6. The Player denied the charge in the FA Disciplinary Proceedings: Reply Form which was signed and dated 17<sup>th</sup> March 2016 and requested the opportunity to attend a Commission for a personal hearing.
7. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
8. Prior to the Hearing the Commission members were provided with the following:
  - a. Email from Mrs. J. Urquhart, Fulham FC Club Secretary, to Ms. J. Kennedy, The FA's Head of Integrity, dated 1<sup>st</sup> March 2016;
  - b. Statement of Mr Fernando Amorebieta, player of Fulham FC, dated 4<sup>th</sup> March 2016;
  - c. Exhibit FA/1: photograph of injury;
  - d. Exhibit FA/2: photograph of injury;
  - e. Statement of Mr. T. Maynard, First team Physiotherapist of Fulham FC, dated 4<sup>th</sup> March 2016;
  - f. Exhibit TM/1: photograph of injury;

- g. Exhibit TM/2: photograph of injury;
- h. Email correspondence between Mr. M. Ives, The FA's Head of Judicial Services, and Mr. R. Marsh, The FA's On-Field Football Regulation Officer, dated 2<sup>nd</sup> March 2016;
- i. Various Video clips of the incident;
- j. Email correspondence between Mr. K. Wright, Match Referee, and Mr. R. Marsh, The On-field Football Regulation Officer, dated 3<sup>rd</sup> March 2016;
- k. Email correspondence between Mr. T. Shamel, The FA's Head of On-Field Football Regulation, and Mrs J. Urquhart, Fulham FC Club Secretary, dated 22<sup>nd</sup> March 2016; and
- l. A signed statement from Souleymane Doukara, dated 17<sup>th</sup> March 2016, with the email correspondence noted at point 'J' above.

### The Hearing

9. At the Hearing the Player was represented by the Club's General Counsel, Mr. S. Heath.

10. The FA was represented at the Hearing by Mr. Y. Elagab.

11. Although the two players involved in the incident spoke reasonable English, The FA appointed an independent interpreter, Mr. M. Joss, who could speak both Spanish and French and was present at all times to assist the players where they needed clarification as to what was being asked of them or if they needed assistance in responding to questions they had been asked. Leeds United FC also brought their

own interpreter, Mr A. Lore, to assist with private discussions between the Player and his counsel.

*Testimony of Mr Fernando Amorebieta*

12. On behalf of The FA, Mr Elagab took Mr Amorebieta through various stages of the video footage.
13. Mr Amorebieta stated that whilst grappling with Mr Doukara as a cross was being delivered into the Leeds penalty area he felt an intense pain on the right side of his chest, near his armpit.
14. He stated that Mr Doukara's head was pulled into his chest area at the time he initially felt the pain.
15. Mr Amorebieta stated that he was in severe pain as he fell to the ground after disengaging from his tussle with Mr Doukara.
16. He said that when he pulled back his shirt to reveal his chest he knew that he had been bitten and that he could see a red mark on his chest.
17. Mr Amorebieta stated that the bite had drawn blood and that he could make out teeth marks around the edge of the mark.
18. Mr Amorebieta stated that as the Referee stood over him he tried to bring to the Referee's attention that he had been bitten on his chest by Mr Doukara both verbally and by showing the Referee the red mark on his chest but that the Referee did not seem to understand him and therefore did not take any notice of him.
19. Mr Amorebieta stated that as he jogged back to his position on the field he continued to try and make the Referee aware that he had been bitten but again the Referee was unresponsive to his claims.
20. Mr Amorebieta stated that he took photos of his injury the day after the match.

21. Under cross-questioning by Mr. Heath, Mr Amorebieta admitted that he did not actually see Mr Doukara bite him and that the Referee on viewing the tussle between the two players had given a free-kick to Leeds United against Mr Amorebieta. He also stated that he didn't confront Mr Doukara about the bite during or after the game.
22. Mr Amorebieta presented as a very believable and reliable witness.

Testimony of Jennifer Urquhart, Fulham Club Secretary

23. Mrs Urquhart stated that she raised the incident with the FA on 1<sup>st</sup> March 2016.
24. This was seven days after the match and Mr Heath had some concerns as to why it had taken so long for the matter to be raised because he felt that Mr Doukara had potentially been prejudiced because he was not able to have someone medically examine the mark on Mr Amorebieta's chest to ascertain if the mark was in fact a bite mark.
25. Mrs Urquhart explained that she had received photographs of the injury on the evening of Wednesday 24<sup>th</sup> February 2016 and that once she had realised that the Referee had not included the incident in his report, she had decided to contact the FA. The delay in doing so was, according to Mrs Urquhart, that she had taken some days of annual leave and that she had only got around to reporting the incident on returning from a trip abroad.
26. Mrs Urquhart presented as a reliable witness.

Testimony of Tim Maynard, Fulham Physiotherapist

27. Mr Maynard stated that he was not at the match but saw Mr Amorebieta on Thursday 25<sup>th</sup> February 2016. He also stated that the

Club Doctor had examined Mr Amorebieta but that he had not made a statement.

28. On Friday 26<sup>th</sup> February 2016, at the request of the Club, he took two further photographs of the red mark on Mr Amorebieta's chest.

29. Mr Maynard stated that in his professional opinion the mark was definitely made by teeth and a bite and that such a mark could not possibly have been made through a collision between the two players as was being suggested by Mr Doukara.

30. He stated that he was concerned about the possible risk of infection and that as such he had placed Mr Amorebieta on a seven day course of anti-biotics.

31. Mr Maynard presented as a reliable and believable witness.

*Testimony of Soleymane Doukara.*

32. Mr Doukara stated that during his tussle with Mr Amorebieta, Mr Amorebieta had pulled his head into Mr Amorebieta's chest and that he could not breathe. He claimed not to have bitten Mr Amorebieta as his mouth was not open and that the mark on Mr Amorebieta's chest had been caused by the impact of Mr Amorebieta running into him as they initially engaged at the start of their tussle.

33. Mr Doukara said that he was at a loss as to why Fulham FC had flagged up the incident but speculated that it was perhaps a way for Fulham FC to gain an advantage over Leeds United FC and to enhance their

prospects of finishing in a higher league position at the end of the season.

34. Mr Doukara conceded to Mr Elagab when reviewing the video footage that he had mistakenly thought that Mr Amorebieta had hit him on the head during a phase of play that had happened moments earlier. In fact it was another Fulham FC player who had hit Mr Doukara.

35. When shown images of the mark on Mr Amorebieta's chest Mr Doukara conceded that it looked as though it had been made by a bite.

36. Mr Doukara did not present well as a witness and he gave no credible explanation as to how the injury to Mr Amorebieta had occurred if it had not been from a bite from himself. He seemed to think that if the bite had not actually been seen then he would be exonerated – *"you can't know if I did that"*

*The Testimony of Mr Kevin Wright, Match Referee.*

37.

38. Mr Wright stated that although Mr Amorebieta had showed him a red mark on his chest he did not know how it had occurred as Mr Amorebieta had not said to him that he had been bitten.

39. Mr Wright stated that he did not see any blood on or around the mark.

40. Mr Wright conceded to Mr Elagab that Mr Amorebieta was trying to communicate something to him and that he would not have been able to see a bite take place if there had been one.

### The Decision of the Commission

41. The Commission considered the video footage before it to be conclusive in that it clearly supports the version of events put forward by Mr Amorebieta.
42. To the mind of the Commission it was clear that the injury sustained by Mr Amorebieta occurred during the tussle with Mr Doukara and Mr Doukara's head/mouth was clearly in the proximity of Mr Amorebieta's chest where the injury was sustained.
43. It is clear to the Commission that the mark was made by a bite. From the available photographs the Commission could see that the mark was circular in nature and teeth marks can be seen at the outer edges of the mark.
44. Mr Amorebieta is seen to be in great pain after breaking away from the tussle and lying on the floor. He is then seen clearly attempting to bring his injury to the attention of the Referee who perhaps understandably not understanding what had transpired seems to disregard his protestations.
45. Having considered all of the evidence before, written, verbal, pictorial and video, the Commission members were unanimous that, on the balance of probability, Mr Doukara had bitten Mr Amorebieta on his chest during their tussle and therefore the charge was deemed by the Commission to have been proven.



## Sanction

46. When considering the level of sanction to be imposed the Commission felt that there were a number of aggravating features that needed to be factored in to their decision. They were:
- a. The Player had denied the charge;
  - b. That biting is violent, serious and unusual and has no place in football;
  - c. That biting carries a risk of infection and Mr Amorebieta was forced to undertake a course of anti-biotics; and
  - d. The injury caused to Mr Amorebieta was painful and severe.
47. Mr McCormack informed the Commission that the Player had a clear previous record disciplinary record and for this the Commission gave Mr Doukara some credit.
48. Having considered all of the above mentioned factors the Commission decided that the following sanction was appropriate and proportionate in all the circumstances:
- a. The Player is suspended from all domestic club football until such time that Leeds United FC have completed eight (8) first team competitive matches in approved competitions, such suspension to commence immediately;
  - b. The Player is fined the sum of £5000;
  - c. The Player is to pay £1500 as a contribution to the costs of the Commission;
  - d. The Player is to forfeit the £100 personal hearing fee; and

e. The player is warned as to his future behaviour.

49. This decision may be appealed in accordance with the relevant regulations of the prevailing FA Handbook.

**Stuart Ripley**

Regulatory Commission Chairman

3<sup>rd</sup> April 2016